

### Amendments to the Claims:

1. **(Currently amended)** A heat exchanger adopting a four-pass structure, comprising:
  - a plurality of tubes disposed so as to distribute a coolant along a top-bottom direction over two rows to the front and rear along the direction of airflow;
  - a first upper tank portion communicating with the upper end of a group of tubes disposed in one of the tube rows;
  - a second upper tank portion communicating with the upper end of a group of tubes disposed in the other tube row;
  - a first lower tank portion communicating with the lower end of said group of tubes disposed in the one tube row;
  - a second lower tank portion communicating with the lower end of said group of tubes disposed in said other tube row;
  - a communicating passage that communicates between one end of said first upper tank portion and one end of said second upper tank portion;
  - a partitioning ~~means for~~ member partitioning said first upper tank portion and said second upper tank portion at substantial centers thereof;
  - an inflow port communicating with the other end of said first upper tank portion, through which coolant from an outside source flows in; and
  - an outflow port communicating with the other end of said second upper tank portion, through which coolant flows out to the outside;
  - wherein ~~an opening area at said inflow port is set~~ has an opening area smaller than an opening area ~~at of~~ of said outflow ~~port. port;~~
  - wherein a center of the opening area of said inflow port is located at a position higher than a center of the opening area of said outflow port;
  - wherein the opening area of said inflow port is within a range of 25 ~ 65 mm<sup>2</sup>;

wherein an end plate is fixed onto an end of said first upper tank portion and an end of said second upper tank portion; and

wherein said inflow port and said outflow port are located at an outside of said end plate so as to open outside of said heat exchanger.

Claims 2-7 (Cancelled)

8. (New) A heat exchanger according to claim 1, wherein  
said inflow port and said outflow port project outwardly from said end plate.
9. (New) A refrigerating system configured to operate in accordance with a refrigerating cycle, said refrigerating system comprising  
an evaporator as a first component of the refrigerating cycle, and  
a variable capacity compressor as a second component of the refrigerating cycle, wherein  
said evaporator is constituted by a heat exchanger adopting a four-pass structure, said heat exchanger comprising:  
a plurality of tubes disposed so as to distribute a coolant along a top-bottom direction over two rows to the front and rear along the direction of airflow;  
a first upper tank portion communicating with the upper end of a group of tubes disposed in one of the tube rows;  
a second upper tank portion communicating with the upper end of a group of tubes disposed in the other tube row;  
a first lower tank portion communicating with the lower end of said group of tubes disposed in the one tube row;  
a second lower tank portion communicating with the lower end of said group of tubes disposed in said other tube row;

a communicating passage that communicates between one end of said first upper tank portion and one end of said second upper tank portion;

a partitioning member partitioning said first upper tank portion and said second upper tank portion at substantial centers thereof;

an inflow port communicating with the other end of said first upper tank portion, through which coolant from an outside source flows in; and

an outflow port communicating with the other end of said second upper tank portion, through which coolant flows out to the outside;

wherein said inflow port has an opening area smaller than an opening area of said outflow port;

wherein a center of the opening area of said inflow port is located at a position higher than a center of the opening area of said outflow port;

wherein the opening area of said inflow port is within a range of 25 ~ 65 mm<sup>2</sup>;

wherein an end plate is fixed onto an end of said first upper tank portion and an end of said second upper tank portion; and

wherein said inflow port and said outflow port are located at an outside of said end plate so as to open outside of said heat exchanger.

10. **(New)** A refrigerating system according to claim 9, wherein  
said inflow port and said outflow port project outwardly from said end plate.